

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CIVIL NO. 1:06CV3

**ELAINE A. MUELLER, individually;)
JEFFREY A. MUELLER, individually;)
and TOWN PUBLISHING CO., INC., a)
North Carolina Corporation,)**

Plaintiffs,)

Vs.)

ORDER

**TOWNS PUBLISHING, INC., a South)
Carolina Corporation; JERRY)
EDWARDS, individually; and)
STEVE EDWARDS, individually,)**

Defendants.)

THIS MATTER is before the Court on the Magistrate Judge's Memorandum and Recommendation, filed April 19, 2006.

Pursuant to 28 U.S.C. § 636(b) and the standing Orders of Designation of this Court, United States Magistrate Judge Dennis L. Howell, was designated to consider pending motions in the captioned civil action and to submit to this Court recommendations for the disposition of these motions.

On April 19, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and conclusions of law in support of a recommendation regarding the Defendants' motion to stay proceedings and compel arbitration. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on May 8, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendants' motion to compel arbitration be granted in part and that this matter be stayed pending those proceedings.

IT IS, THEREFORE, ORDERED that the Defendant's motion to compel arbitration is **ALLOWED** as to Plaintiffs' Second, Third, and Ninth Causes of Action and **DENIED** as to Plaintiff's First, Fourth, Fifth, Sixth, Seventh, Eighth, and Tenth Causes of Action.

IT IS FURTHER ORDERED that the Defendants' motion to stay is **ALLOWED**, and these proceedings are hereby **STAYED** pending the completion of the arbitration proceedings.

IT IS FURTHER ORDERED that the parties jointly file with the Court a status report of the arbitration proceedings every 60 days until such proceedings are concluded.

Signed: May 17, 2006

A handwritten signature in black ink, appearing to read 'L. H. Thornburg', is written over a horizontal line.

Lacy H. Thornburg
United States District Judge

